

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**

Applicant(s): Fennel et al.

Docket No.

10543-032 - AP9602

Serial No.

09/936,638

Filing Date

9/12/01

Examiner

Group Art Unit

Invention: Method for Determining Parameters

I hereby certify that this Renewed Request for Status Under 37 CFR 1.42 and Enclosures

(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

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M. Collins

(Signature of Person Mailing Correspondence)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Hauptmann et al. )  
Serial No.: 09/937,247 )  
Filed: 9/21/01 )  
For: Circuit System and Method of )  
Configuring an Interface of a )  
Control or Regulating Device )  
Group Art Unit: )  
\_\_\_\_\_ )

**RENEWED REQUEST  
FOR STATUS UNDER  
37 CFR 1.42**

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Attn: PCT Legal Office

Sir:

This response is in reply to the Decision (copy enclosed), mailed February 20, 2002, in the above-referenced application.

In the subject Decision it was noted that the Declaration filed January 18, 2002 was not in compliance with 37 CFR 1.497(b)(2) with respect to execution on behalf of a deceased inventor. Applicants respectfully contest the conclusion reached in the previously mentioned Decision.

As is repeated in the Decision, 35 CFR 1.497(b)(2) specifies that where the person making the Declaration is a legal representative of a deceased inventor, the Declaration shall state the following: 1) the relationship of the person to the inventor; 2) the facts the inventor would have been required to state upon information and belief; 3) that the person is a legal representative of the deceased inventor; and 4) the citizenship, residence, and mailing address of the legal representative.

Applicants respectfully submit that the previously mentioned requirements are satisfied by the previously submitted Declaration. Alternatively, to the extent that any additional information may be properly provided through a representation by

Applicants' counsel by this response, Applicants respectfully request such consideration.

In the place for the second signature, Christine Latarnik has signed on behalf of deceased inventor Michael Latarnik. The relationship of Christine Latarnik to Michael Latarnik is clearly identified as "legal representative". The facts that the inventor would have been required to state are provided by the aforementioned previously filed Declaration. Applicants' counsel hereby further represents that Christine Latarnik is the widow of the deceased inventor Michael Latarnik. The residence address for Christine Latarnik is the same as that of the inventor and is therefore properly identified in the previously filed Declaration.

Similar information is provided for the individuals signing subsequently in the previously submitted Declaration. Specifically, Eva Maria Latarnik and Sylvia Latarnik signed also as legal representatives, and are both daughters of the deceased inventor, Michael Latarnik. These individuals also reside at the same address as the deceased inventor and their addresses are therefore properly identified. Although these individuals have signed in places for third and fourth inventors, a full reading and the context of this Declaration, clearly identified these individuals as additional legal representatives which are not to be confused with additional inventors.

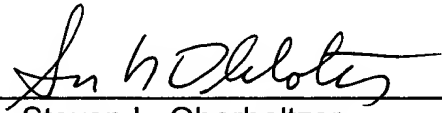
Accordingly, in view of the foregoing, Applicants respectfully submit that the previously submitted Declaration is sufficient and with respect to the applicable legal requirements.

If the Examiner should not find the previously described submission to adequately overcome the outstanding objections, Applicants are submitting a copy of the first three pages of the originally submitted Declaration for consideration as a

newly submitted Declaration. The three pages do not include the additional signatures of the daughters of the deceased. This submission properly includes a signature by a legal representative of the deceased, Christine Latarnik, and avoids the confusion asserted in the Decision with respect to identification of additional signing individuals as additional inventors.

Please charge our Deposit Account No.: 23-1925 for any additional fees that may be required. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By:   
Steven L. Oberholtzer  
Reg. No.: 30,670

SLO:mc

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Dated: April 19, 2002

Docket No.: 10543-032

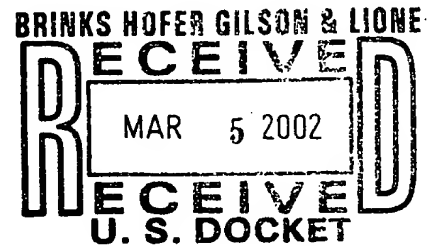
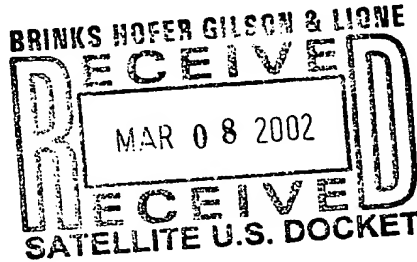


FEB 20 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Washington, D.C. 20231  
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In re Application of LATARNIK et al  
U.S. Application No.: 09/936,638  
Int. Application No.: PCT/EP00/02347  
Int. Filing Date: 16 March 2000  
Priority Date: 17 March 1999  
Attorney Docket No.: 10543-032  
For: METHOD FOR DETERMINING  
PARAMETERS

DECISION

This is in response to the papers filed 18 January 2002, which is being treated as a request for status under 37 CFR 1.42.

**BACKGROUND**

On 16 March 2000, applicant filed international application PCT/EP00/02347, which claimed priority of an earlier Germany application filed 17 March 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 21 September 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 06 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 September 2001.

On 12 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 31 October 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 18 January 2002, applicant filed the present request for status, including a declaration executed by joint inventor Helmut Fennel and by the legal representatives of joint inventor Michael Latarnik, who according to the declaration is deceased.

### **DISCUSSION**

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

In the present case, the declaration filed 18 January 2002 is not in compliance with 37 CFR 1.497(b)(2). Specifically, the declaration does not state the citizenship, residence, and mailing address of the legal representatives. It is further noted that Michael Latarnik is listed as the second inventor, the third inventor, and the fourth inventor, which is improper.

### **CONCLUSION**

For the reasons above, the request for status is **DISMISSED** without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time may be obtained up to the limit set forth by the Notification of Missing Requirements mailed 31 October 2001. Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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PCT Legal Office

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